

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DARRYL WILLIAM YOUNG,

Defendant.

Case No. CR99-210-RSM

**PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE**

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on January 23, 2013. The defendant appeared pursuant to a warrant issued in this case. The United States was represented by Ehren Reynolds, and defendant was represented by Peter Camiel. Also present was U.S. Probation Officer Thomas J. Fitzgerald. The proceedings were digitally recorded.

SENTENCE AND PRIOR ACTION

Defendant was sentenced on October 28, 1999, by the Honorable Barbara J. Rothstein for Bank Robbery. He received 100 months of detention and 5 years of supervised release. On July 18, 2012, a violation report was submitted to the Court advising of Mr. Young's use of opiates in May and June 2012. As Mr. Young was addressing these violations through treatment, no Court action was recommended and approved.

PRESENTLY ALLEGED VIOLATIONS

In a petition dated December 27, 2012, U.S. Probation Officer Thomas J. Fitzgerald alleged that defendant violated the following conditions of supervised release:

1. Consuming codeine and morphine on or before August 9, 2012, in violation of standard condition number 7 of his supervised release.
2. Consuming opiates on or before September 4 and 12, 2012, in violation of standard condition number 7 of his supervised release.
3. Consuming codeine on or before December 3, 2012, in violation of standard condition number 7 of his supervised release.
4. Failing to report to the probation officer as directed on December 14, 2012, in violation of standard condition number 2 of his supervised release.
5. Failing to report for drug/alcohol testing as directed on December 12, 13, 17, and 18, 2012, in violation of his special condition of supervised release.

FINDINGS FOLLOWING EVIDENTIARY HEARING

Defendant admitted the above violations, waived any hearing as to whether they occurred, and was informed the matter would be set for a disposition hearing on February 18, 2013, at 9:30 a.m. before District Judge Ricardo S. Martinez.

RECOMMENDED FINDINGS AND CONCLUSIONS

Based upon the foregoing, I recommend the court find that defendant has violated the conditions of his supervised release as alleged above, and conduct a disposition hearing.

DATED this 23rd of January, 2013.



BRIAN A. TSUCHIDA
United States Magistrate Judge